

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|-------------------------------|---|---------------------|
| IRON WORKERS' MID-AMERICA |) | |
| PENSION PLAN, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | CIVIL ACTION |
| |) | |
| vs. |) | NO. 07 C 0718 |
| |) | |
| BARCLAY PULLMAN CORPORATION, |) | JUDGE DAVID H. COAR |
| an Illinois corporation, |) | |
| |) | |
| Defendant. |) | |

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on March 22, 2007, request this Court enter judgment against Defendant, BARCLAY PULLMAN CORPORATION, an Illinois corporation. In support of that Motion, Plaintiffs state:

1. On March 22, 2007, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to turn over its monthly fringe benefit contribution reports for the time period October 2006 forward within 14 days of the entry of said Order. The Court set the matter for prove-up on May 31, 2007.

2. Due to Defendant's failure to submit the required monthly fringe benefit contribution reports for October 2006 forward, on April 6, 2007, Plaintiffs filed its motion for an order setting a hearing on a rule to show cause. The motion was scheduled for April 16, 2007.

3. On April 16, 2007, the Court entered and continued Plaintiffs' motion to April 24, 2007.

4. On April 24, 2007, Defendant failed to appear. Accordingly, the Court granted Plaintiffs' motion and its request for the issuance of a body attachment against Chris Abbott, in his capacity as an officer and agent of Defendant corporation.

5. On May 3, 2007, this Court issued a body attachment against Chris A. Abbott.

6. On May 25, 2007, this Court rescheduled the prove-up default hearing from May 31, 2007 to June 12, 2007.

7. On June 12, 2007, Plaintiffs' counsel appeared before the Honorable Judge Coar, who reset the prove-up hearing for June 27, 2007.

8. On June 19, 2007, Chris A. Abbott appeared before this Court in response to the bench warrant issued against him and was ordered to produce the Defendant's monthly fringe benefit contribution reports for October 2006 forward, as required by the Court Order entered on March 22, 2007. Mr. Abbot was to produce the reports by July 16, 2007. The Court reset the prove-up hearing from June 27, 2007 to August 15, 2007.

9. On August 15, 2007, this Court dismissed Plaintiffs' motion for an order setting a hearing on a rule to show cause and reset the prove-up hearing for September 11, 2007.

10. Defendant failed to submit the monthly fringe benefit contribution reports required pursuant to this Court's Order entered on March 22, 2007.

11. An employee of Defendant, Joseph J. Panzica, has submitted check stubs showing the number of hours worked by him for the Defendant for October 1, 2006 through October 31, 2006. Additionally, Rudy Lopez worked the identical hours for the same time period. Accordingly, it has been determined that the following contributions, liquidated damages and interest are due therefor:

| | <u>Contributions</u> | <u>Liquidated Damages</u> | <u>Interest</u> |
|------------------------------|----------------------|-------------------------------|-----------------|
| Mid-America Pension | \$1,305.36 | \$176.22 | \$107.70 |
| Supplemental Monthly Annuity | \$1,422.96 | \$192.15 | \$117.40 |
| Tri-State Welfare | \$1,575.84 | \$212.76 | \$130.01 |
| Apprentice Training | \$ 107.80 | | |
| Building/Industry | \$ 13.72 | | |
| Totals | \$4,425.68 | \$581.13 | \$355.11 |

(See Affidavit of Joseph J. Burke and David J. Jansen).

12. In addition, Plaintiffs' firm has expended the total amount of \$3,402.50 in attorneys' fees and \$670.00 in costs, for a total of \$4,072.50, in this matter. (See Affidavit of Catherine M. Chapman).

13. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$9,434.42.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$9,434.42.

/s/ Jennifer L. Dunitz-Geiringer

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participants on or before the hour of 5:00 p.m. this 4th day of September 2007:

Mr. Charles F. Huntley, Registered Agent
Barclay Pullman Corporation
123 S. 7th
Springfield, IL 62701

Mr. Chris A. Abbott, President
Barclay Pullman Corporation
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Lemont, IL 60439

/s/ Jennifer L. Dunitz-Geiringer

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